

ORDINANCE # 2017-04

AN ORDINANCE TO ESTABLISH PROPER PLACEMENT AND DISPOSAL OF SOLID WASTE, BULKY ITEMS, TREE TRIMMINGS AND OTHER DEBRIS.

Section 1 - Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved container means a garbage roll-away container provided by the city for a fee or purchased from a retailer. For those customers not purchasing a container from the city, an approved container means any container for solid waste, such as plastic or metal garbage cans with a top and two (2) handles, or plastic garbage bags properly tied shut, which will hold solid waste, protect it from the elements, and keep it contained for hand dumping into collector trucks. Garbage bags, other than those purchased from the city, when full should not exceed 50 pounds in weight. Unapproved containers, [such as large chemical, wood, metal, or other fabricated containers], if left at curbside, will be confiscated by the City of Tuckerman and destroyed.

Bulky waste items include furniture, white goods (appliances such as stoves, any appliance with a cooling element that might contain refrigerants [such as refrigerators, window air conditioners, automobile air conditioners, freezers, water coolers, ice makers, and dehumidifiers] must be tagged that the Freon has been removed, water heaters, washing machines, dryers), tree cuttings (must be no more than five feet in length) and construction materials limited to one cubic yard or less. Tree trimmings, large branches, wood or limbs resulting from the pruning or removal of trees by tree service companies or individuals engaged in such service for hire is not defined as bulky waste. The removal of such items is the responsibility of the owner, occupant, tenant or lessee of the property.

Commercial/industrial means places of commerce or industry generating solid waste streams generally and typically two cubic yards or more per week.

Extraordinary materials means hazardous wastes, body wastes, dead animals, abandoned vehicles, vehicle parts, large equipment and parts thereof.

Garbage means the same as and defined as solid waste.

Hazardous materials means wastes that are hazardous by reason of their pathological, explosive, radiological or toxic characteristics, or by virtue of their being defined as hazardous by any state or federal law or regulation.

Multiple residential unit means a structure containing five or more dwelling units.

Rubbish or yard trash means the same as and shall be defined as solid waste.

Solid waste means all putrescible and nonputrescible waste in solid or semisolid form including, but not limited to, garbage, rubbish, ashes or incinerator residue, or street refuse, but excluding extraordinary materials and hazardous materials, as defined herein, except large branches, trees or bulky or noncombustible materials not susceptible to normal loading and collection in loadpacker type sanitation equipment used for regular collections from domestic households.

Special materials means those bulky materials or other special wastes that are not stored in approved containers and cannot be picked up by hand.

Trash means the same as and shall be defined as solid waste.

Units means places of residences or businesses within the city which generally and typically generate less than two cubic yards of solid waste per week. With respect to residences, a single unit is a dwelling place in which a single family or group of individuals regularly live and share common bath and kitchen facilities. With respect to businesses, a single unit is a single place of business owned and operated for the benefit of the owner of the business. Combined units of businesses, such as shopping centers, if the waste stream is separated for each such unit, are considered as units hereunder, unless the common owner of all such units elects to combine such waste stream into consolidated containers, thereby generating two cubic yards or more per week, in which case, these units shall not be serviced hereunder, but shall be serviced through the common owner by a commercial/industrial contractor.

Section 2 - Collection—Frequency.

The City of Tuckerman shall furnish solid waste collection services in the city to all residential and business establishments generating less than two cubic yards of solid waste per week on a weekly basis. The City of Tuckerman Sanitation Service has scheduled collection routes and days and will keep such information current at all times. In the event of changes in routes or schedules that will alter the day of pickup, the City shall notify each customer affected by mail or news media not less than one week prior to the change.

Section 3 - Same—Conditions.

Weekly collections are to be made under the following conditions:

- (1) Containers required.** Each residential or business establishment shall use approved containers as defined by this chapter.
- (2) Yard and other trash.** When the resident finds it necessary to dispose of yard or other trash, excluding garbage and empty containers, all such trash shall be placed in disposable containers not more than 50 pounds each and shall be placed at the street curb by the residents on the pickup date.
- (3) Location.** All solid waste shall be placed in approved containers at a location, prior to scheduled collection that is readily accessible to the sanitation personnel.

- A. **Residential.** Solid waste shall be placed at a single collection point within six feet of the curb.
- B. **Business.** Solid waste shall be kept on the premises in approved containers and placed at a single collection point in a place near the street or alley, readily accessible to the collection vehicles.

Section 4 - Placement of containers.

The curbside dates(s) and collection point(s) for trash collection are established by the the City of Tuckerman referred to in section 2, who shall give adequate notice thereof to each owner, occupant, tenant, or lessee. Curbside collection points are established for efficient and economical collection service.

- (1) It shall be unlawful for the owner, occupant, tenant or lessee of any dwelling or place of business to allow solid waste to accumulate on his premises, or to place or cause to be placed the containers therefore in such a manner as to cause an unsightly or unsanitary condition.
- (2) It shall be unlawful for such owner, occupant, tenant or lessee to place, more than 24 hours before or to allow remaining more than 24 hours after the scheduled collection date, trash or garbage containers at the curbside collection point, except for a showing of just cause.
- (3) Except when placed at the curbside collection point, all trash or garbage containers shall be stored in such a manner to not be visible from the front of the dwelling, but may be stored on the side of the dwelling, not projecting beyond the front roofline.
- (4) **Penalty for violations.** Any person violating any of the provisions of this article shall be subject to a fine as provided by section 1-9 of the Code of Ordinances of the City of Tuckerman, Arkansas.

Section 5 - Removal of construction refuse and debris, old appliances, bulky waste, etc.

- (a) The authorized private solid waste contractor shall not in any way be required or obligated to collect or remove from private property refuse or debris resulting from the repair, razing or construction of buildings, nor to collect or remove old stoves, refrigerators, etc., or wood or limbs resulting from the removal of trees, nor to render any other service unless specifically provided for in this chapter. The removal of such items is the responsibility of the owner, occupant, tenant or lessee of the property.

- (b) The Tuckerman Public Works Department will collect up to eight cubic yards of bulky waste per household, twice per calendar year or up to 16 cubic yards of bulky waste per household once per calendar year. Households with more than 16 cubic yards of bulky waste may inquire about the public works department's paid bulky waste service. The cost for this service is \$18.75 per cubic yard and there is a minimum eight cubic yard charge of \$150.00. An approval form signed by the property owner, occupant, tenant or lessee is required for removal of excess bulky waste. Before placing bulky waste items at the curbside, residents should call the Tuckerman Public Works Department to schedule a pickup. Multiple residential households shall not combine bulky waste items for pickup at one household.

Section 6 - Containment of construction refuse and debris.

The general contractor of any construction site shall provide adequate trash containment facilities for the construction site. All such trash containment facilities must be able to hold a minimum of five cubic yards of refuse, and must contain no openings of greater than three inches. The trash containment facility must be in place no later than at the time of the first required inspection of the site by the City Inspector or his authorized representative. The trash containment facility shall be emptied on a regular basis. If the city received a complaint regarding a trash containment facility at a construction site, the City Inspector or his authorized representative shall notify the general contractor in writing regarding the complaint, and shall request that efforts be undertaken by the general contractor to remedy the situation. If subsequent complaints are received by the city pertaining to the same construction site, the City Inspector or his authorized representative shall provide the general contractor with written notice that the general contractor has three working days in which to remedy the situation. If the general contractor does not remedy the situation within that time, it shall be considered a violation of this Code, and shall be punishable pursuant to this Code. In addition, the City Inspector or his authorized representative shall cease all inspections until the construction site complies with this section.

PASSED AND ACCEPTED this 14 day of MARCH, 2017

ATTEST Pamela J. Cawthon
City Clerk: Pam Cawthon

David Dixon
Mayor: David Dixon

